controlling a degree of emphasis performed in an emphasizing unit on a basis of said number of successive error frames.

REMARKS

Assignee has canceled Claims 1-8 and added Claims 9-16. Assignee has also made minor amendments to the specification. The amendments to the specifications were made to improve the clarity and correct a typing error and were not made for any reason relating to patentability. The changes from the previous version to the rewritten version are shown in attached Appendix A, with strikethrough for deleted matter and underlining for added matter.

The Examiner has objected to the drawings because the "codebook detector 18 in Fig. 1" has no proper reference in Fig. 1 for number 18. Assignee has deleted the sentence in which the reference to number 18 is made, thus eliminating the need for a reference number 18 in Fig. 1. It is therefore respectfully requested that the objection to the drawings be withdrawn.

The Examiner has rejected Claims 1 and 7 as being unpatentable over Mano et al (JP 06-012095, the English translation, hereinafter "Mano"), in view of Chennakschu (US Pat. No.: 5,283,811, hereinafter "Chennakschu").

The Examiner has rejected Claims 2-5 and 8 as being unpatentable over Mano, in view of Ota et al. (JP 02-256308, hereinafter "Ota").

The Examiner has rejected Claim 6 as being unpatentable over Mano, in view of Ota, further in view of well known prior art. More specifically, the Examiner states that it is was well known in the art to control the gain for filters. Hereinafter, Mano, Chennakschu, Ota and what the Examiner claims is well known in the art will collectively be known as "the References."

Assignee has cancelled all of the original Claims 1-8 and replaced them with new Claims 9-16.

"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge of one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 706.02(j); In re Vaeck, 947 F.2d 488, USPQ2d 1438 (Fed. Cir. 1981). With regard to the third prong of the test in Vaeck, "[a]ll the words in a claim must be considered in judging the patentability of that claim against the prior art." MPEP § 2143.03; In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

It is respectfully submitted that the Examiner has failed to present a prima facie case of obviousness because he has failed to show that the References do not teach or suggest all the claim limitations. With regard to new Claims 9-16, these Claims all include the limitation of an "emphasizing unit for performing and emphasis process on said coded speech signal to generate said excited signal" (Claims 9-14) or "performing an emphasis process on said coded speech signal to generate said excited signal (Claims 15-16). As shown in Fig. 2, the speech decoder 20 takes in a coded speech signal and produce a decoded speech signal (SP in Fig. 2). The emphasizing unit claimed in Claims 9-14 (the adaptive preprocessing filter 25) performs the emphasizing process (Claims 15-16) on an original fixed code vector "FCV0" (the coded speech signal of the Claims). The emphasizing process is performed before the signal reaches the excited signal reconstruction portion 27 wherein the the excited signal reconstruction portion 27 generates the excited signal SEXC as stated in the claims.
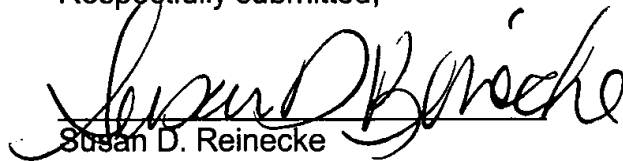
In contrast, Mano and Chennakeshu disclose emphasis processing performed on a signal after it has been synthesized, using a post-filter. Additionally, because Mano and Chennakeshu disclose that emphasis processing is performed on the synthesized signal a post-filter (and not on the coded signal using a pre-filter, as disclosed in the

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Present Application), the internal state of the decoder, specifically data stored in the adaptive code vector decoder is not affected. However, in the present invention, because a pre-filter (reference number 22 in the Present Application) is used, the internal state of the decoder is affected. Specifically, in the Present Application, it is possible to improve the sound quality of a speech signal containing frame errors, as well as a signal that is decoded after the frame errors are discovered. Thus, an important difference exists between the Present Application and Mano and Chennakeshu, in that even though the Present Application does employ a post-filter, it also employs a pre-filter. Through use of this pre-filter, it is possible to obtain an appropriate excitation signal for input into a synthesizer, as a result of which good quality speech is generated. Because neither Mano or Chennakeshu disclose the use of a pre-filter, Mano and Chennakeshu do not disclose all the elements of new Claims 9-16. It is therefore respectfully requested that the rejections of the claims be withdrawn.

In conclusion, and in view of the amendments, proposed drawing change and the remarks set forth above, reconsideration and withdrawal of the objection to drawings, and the rejection of the Claims is respectfully requested. It is respectfully submitted that the Pending Application, including Claims 9-16, is in condition for allowance. Favorable action therefore is respectfully requested.

If any additional information is required, the Examiner is invited to contact the undersigned at (312) 321-4000. The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with the communication to our **Deposit Account No. 23-1925**. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such extension is requested and such fee should also be charged to our Deposit Account.

Respectfully submitted,

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Serial No. 09/462,127

Page 1, lines 24-26, replace with:

The present invention has been accomplished in view of the above considerations, and has the object of offering a speech decoder and speech decoding method capable of ~~lightening~~ lesseningthe reduction of the subjective sound quality even when fame errors occur in succession.

Page 3, lines 7-8, replace with:

Here, the decoding processing portion 11 is a device for decoding the received ~~decoded~~ coded speech signals (bitstream) BS and outputting the decoded speech signals SP.

Page 5, lines 18-20, replace with:

The adaptive preprocessing filter 25 is a device which functions as an emphasizing process means for emphasizing the harmonic components of the ~~decoded~~ original fixed code vector FCV0, and outputs the result as a fixed code vector FCV.

Please **DELETE** the following:

On page 5, lines 16-17 in their entirety.

~~The adaptive code vector decoder 22 and the fixed code vector decoder 23 correspond to the codebook decoder 18 in Fig. 1.~~